

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

GERALD D. BURTON, :  
Plaintiff, : NO. 1:04-CV-00368  
: :  
: : **OPINION AND ORDER**  
v. :  
: :  
: :  
HAMILTON COUNTY JUVENILE :  
COURT, :  
: :  
: :  
Defendant.

This matter is before the Court on the Report and Recommendation that the Defendant's Motion for Summary Judgment (doc. 30) be granted (doc. 34). The Parties were served with the Report and Recommendation and were therefore afforded proper notice of the Magistrate Judge's Report and Recommendation required by 28 U.S.C. § 636(b)(1)(C), including that failure to file timely objections to the Report and Recommendation would result in a waiver of further appeal. See United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981). Neither Party filed any objections thereto within the ten days provided for by Fed. R. Civ. P. 72(b) and 28 U.S.C. § 636(b)(1)(C). Pursuant to 28 U.S.C. §636(b), the Court has reviewed the Report and Recommendation de novo.

Before the Magistrate Judge was the Defendant Hamilton County Juvenile Court's Motion for Summary Judgment (doc. 30), Plaintiff Gerald D. Burton's Memorandum in Opposition Thereto (doc. 31), and Defendant's Reply (doc. 32), as well as Defendant's

Motion for Leave to File a Supplemental Memorandum in Support of Its Motion (doc. 33) to which Plaintiff did not respond. The Magistrate Judge granted Defendant's Motion to File a Supplemental Memorandum in Support of Its Motion (doc. 34). Ultimately, the Magistrate Judge concluded that no viable defendant was named in the Plaintiff's Amended Complaint over which this Court has jurisdiction (Id.). Accordingly, the Magistrate Judge did not reach the merits of Plaintiff's substantive claims and recommended to this Court that the Defendant's Motion be granted.

The Court finds the Magistrate Judge's Report and Recommendation well-reasoned and thorough. Accordingly, the Magistrate Judge's Report and Recommendation (doc. 34) is hereby ADOPTED IN ITS ENTIRETY. The Defendant's Motion for Summary Judgment (doc. 30) is GRANTED. This matter is hereby DISMISSED WITHOUT PREJUDICE.

SO ORDERED.

Dated: January 10, 2006

/s/ S. Arthur Spiegel  
S. Arthur Spiegel  
United States Senior District Judge